APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,599	12/10/2001	Nicole A. Nemer	SMQ-066/P5901	6538

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EXAMINER
KISS, ERIC B

ART UNIT	PAPER NUMBER
2192	

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/016,599	NEMER, NICOLE A.
	Examiner	Art Unit	
	Eric B. Kiss	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 February 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 8-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 8-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 July 2002* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   The reply filed 18 February 2005 has been received and entered. Claims 1-6 and 8-20 are

pending.

Response to Amendment

2.   Applicant's amendments to the specification appropriately address the improper usage of

the trademark JAVA, as detailed in the previous Office action. However, it is noted that

Applicant has not addressed the use of the trademark SOLARIS. Accordingly, the objection to

the specification is maintained.

3.   The title change is noted. The objection to the title is withdrawn in view of Applicant's

amendment.

4.   It is noted that Applicant has intended to address the objection to the drawings by adding

reference character "70" to the relevant portion of the specification (see p. 13, third paragraph, of

Applicant's remarks). However, no such amendment has been presented. Accordingly, the

objection to the drawings is maintained.

5.   Applicant's amendment to claim 20 appropriately addresses the objection to claim 20,

based on an informality, as detailed in the previous Office action. Accordingly, this objection is

withdrawn in view of Applicant's amendment.

6.   Applicant's amendments to the claims appropriately address the rejection of claims 1-20

under 35 U.S.C. §112, second paragraph. Accordingly, this rejection is withdrawn in view of

Applicant's amendments.

7.   Applicant's amendments to the claims appropriately address the rejection of claims 1-20

under 35 U.S.C. §101. Accordingly, this rejection is withdrawn in view of Applicant's

amendments.

Response to Arguments

8.   Applicant's arguments filed 18 February 2005 have been fully considered but they are not

persuasive.

        The Examiner notes that while *JATO_One* does describe the use of Jato scripts expressed

in XML, it also describes how the Jato scripts are processed with a set of classes that contain

methods for carrying out the translation. As just one example, the code in Listing 2 on pp. 4-5,

and the instructions for invoking the code immediately thereafter. The processing of the script

(an thus, the translation) is accomplished by the org.jato.JavaToXml class and the

SimpleJavatoXml helper class.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

        A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this
or a foreign country, before the invention thereof by the applicant for a patent.

10.   Claims 1-6 and 8-20 are rejected under 35 U.S.C. 102(a) as being anticipated by the Jato

API disclosed by Andy Krumel in "Jato: The new kid on the open source block, Part 1" (March

2001; hereinafter *JATO_One*), "Jato: The new kid on the open source block, Part 2" (April 2001;

hereinafter *JATO_Two*), and "Jato: The new kid on the open source block, Part 3" (May 2001;

hereinafter *JATO_Three*), said API hereinafter *JATO*.

As per claim 1, *JATO* is disclosed as providing a base object class that includes at least

one method for converting between "Java" objects and XML data objects, wherein said at least

one method determines the steps needed to perform the conversion and performs the conversion

(see, for example, "Jato architecture on pp. 2-4 of *JATO_One*; see further, the subsequent

examples on pp. 4-9 of *JATO_One*, illustrating the roles of the various classes and methods);

providing a selected object class that is a sub-class of the base object class (see, for example,

"Jato architecture" on pp. 2-3 of *JATO_One*; and "Java-to-XML example" and "XML-to-Java

example" on pp. 4-9 of *JATO_One*); and for a given instance of the selected object class,

invoking the method to perform a conversion on the given instance (see, for example, "Java-to-

XML example" and "XML-to-Java example" on pp. 4-9 of *JATO_One*).

As per claim 2, *JATO* is further disclosed as the selected object class being a "Java"

object class (see, for example, "Java-to-XML example" on pp. 4-8 of *JATO_One*).

As per claim 3, *JATO* is further disclosed as the selected object class being an XML data

object class (see, for example, "XML-to-Java example" on pp. 8-9 of *JATO_One*).

As per claim 4, *JATO* is further disclosed as the method for converting being invoked to convert a "Java" object into at least one XML data object (see, for example, "Java-to-XML example" on pp. 4-8 of *JATO_One*).

As per claim 5, *JATO* is further disclosed as the method for converting being invoked to convert an XML data object into "Java" (see, for example, "XML-to-Java example" on pp. 8-9 of *JATO_One*).

As per claim 6, *JATO* is further disclosed as the method for converting being invoked to convert an entire XML document into "Java" (see, for example, "XML-to-Java example" on pp. 8-9 of *JATO_One*).

As per claim 8, *JATO* is further disclosed as the base object class including both a method for converting from "Java" to XML and a method for converting from XML to "Java" (see, for example, "Jato architecture" on pp. 2-3 of *JATO_One*; and "Java-to-XML example" and "XML-to-Java example" on pp. 4-9 of *JATO_One*).

As per claims 9-15, these are medium versions the prescribed method steps discussed above (claims 1-6 and 8, respectively). The use of such a medium, such as memory, is inherent in performing the computer-implemented steps discussed above.

As per claim 16, *JATO* is disclosed as providing a base object class that includes at least one method for converting between "Java" objects and XML data objects (see, for example, "Jato architecture" on pp. 2-3 of *JATO_One*; and "Java-to-XML example" and "XML-to-Java example" on pp. 4-9 of *JATO_One*); defining a first object class as a sub-class of the base object class (see, for example, "Jato architecture" on pp. 2-3 of *JATO_One*); and defining a second

object class as a sub-class of the base object class (see, for example, "Jato architecture" on pp. 2-3 of *JATO_One*).

As per claim 17, *JATO* is further disclosed as, for an instance of the first object class, invoking the method for converting to perform conversion of the instance of the first object class (see, for example, "Jato architecture" on pp. 2-3 of *JATO_One*; and "Java-to-XML example" and "XML-to-Java example" on pp. 4-9 of *JATO_One*).

As per claim 18, *JATO* is further disclosed as, for an instance of the second object class, invoking the method for converting to perform conversion of the instance of the second object class (see, for example, "Jato architecture" on pp. 2-3 of *JATO_One*; and "Java-to-XML example" and "XML-to-Java example" on pp. 4-9 of *JATO_One*).

As per claim 19, *JATO* is further disclosed as the "method for converting" converting a "Java" object into XML (see, for example, "Jato architecture" on pp. 2-3 of *JATO_One*; and "Java-to-XML example" on pp. 4-8 of *JATO_One*).

As per claim 20, *JATO* is further disclosed as the "method for converting" converting an XML document into "Java" (see, for example, "Jato architecture" on pp. 2-3 of *JATO_One*; and "XML-to-Java example" on pp. 8-9 of *JATO_One*).

Conclusion

11.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

12. Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The

Examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The Examiner can also be

reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the

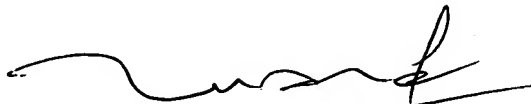organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature should be directed to the TC 2100 Group receptionist:

571-272-2100.

EBK/EBK
April 5, 2005

TUAN DAM
SUPERVISORY PATENT EXAMINER